

LISTING OF CLAIMS

Please amend claims 19 and 25-26, add new claim 48, and cancel claims 20-24 as indicated in the Listing of Claims below.

1-18. (Cancelled)

19. (Currently amended) A method for automatically determining whether a sample liquid to be tested in an optical measuring instrument is a test sample or a control sample; comprising:

(a) providing an optical measuring instrument effective for measuring sample liquids for an analyte of interest, wherein each of said sample liquids may be a test sample or a control sample;

(b) providing one or more control samples containing a known concentration of said analyte of interest, wherein each of said control samples has been provided with a special optical property that is not present in any of said test samples;

(c) using said optical measuring instrument to measure one of said sample liquids for the analyte of interest, wherein the optical measurement additionally evaluates said special optical property; and

(d) automatically determining whether the measured sample liquid is a control sample or a test sample by causing the optical measuring instrument to identify the results of the evaluation of said special optical property as being consistent with either a control sample or a test sample; wherein said using said optical measuring instrument comprises using a photometer to measure absorption or remission in the IR range; wherein said special optical property is provided by providing a dye in the control sample; and wherein the dye is an IR dye which does not have a

substantial absorption in the wavelength range in which the measurement signal for the analyte of interest is detected.

20 – 24. (Cancelled)

25. (Currently amended) A method according to claim 23 19 wherein the dye is a member selected from the group consisting of metal complexes of quinolinequinones, nickel dithiolene dyes, nickel tetramine dyes, quinone dyes, phthalocyanine dyes, naphthocyanine dyes, and azo dyes.

26. (Currently amended) A method according to claim 23 19 wherein the dye is (2-[2-[2-chloro-3-[[1,3-dihydro-1,1-dimethyl-3-(4-sulfonylbutyl)-2H-benz[e]indol-2-ylidene]-1-cyclopentene-1-yl]ethenyl]-1,1-dimethyl-3-(4-sulfonylbutyl)-1H-benz[e]indolium, internal salt, sodium salt.

27. (Previously presented) A method according to claim 19 wherein said special property is a higher decrease in remission in comparison to the decrease in remission typically observed in a test sample.

28. (Withdrawn) The method of claim 19 wherein said special property is a flow property.

29. (Withdrawn) The method of claim 19 wherein said special property is a wetting property.

30. (Withdrawn) The method of claim 19 wherein said special property is the time required for the sample liquid to reach its end value.

31. (Withdrawn) The method of claim 19 wherein said special property is the stability of the end value.

32. (Previously presented) A method according to claim 19 wherein said optical measuring instrument evaluates two or more properties in the measured sample liquid, wherein said two or more properties, in combination, have been identified as being indicative of either a control sample or a test sample; and further wherein said automatically determining step includes causing the measuring instrument to identify the results of the evaluation of said two or more properties as being consistent with either a control sample or a test sample.

33. (Previously presented) A method according to claim 32 wherein one of said two or more properties is an optical property.

34. (Withdrawn) A method according to claim 32 wherein one of said two or more properties is a flow property.

35. (Withdrawn) A method according to claim 32 wherein one of said two or more properties is a wetting property.

36. (Withdrawn) A method according to claim 32 wherein one of said two or more properties is the time required for the sample liquid to reach its end value.

37. (Withdrawn) A method according to claim 32 wherein one of said two or more properties is the stability of the end value.

38. (Withdrawn) A method according to claim 32 wherein one of said two or more properties is the time required for the sample liquid to reach its end value, and a second of said two or more properties is the constancy of that end value; and further wherein said automatically determining step includes causing the measuring instrument to identify the results of the measurement of the time required for the sample liquid to reach its end value and the constancy of that end value as being consistent with either a control sample or a test sample.

39. (Withdrawn) A method according to claim 38 wherein one of said two or more properties is the time required for the sample liquid to reach a stable remission value, and a second of said two or more properties is the stability of its remission value at the end of the measuring period, and wherein said automatically determining step includes causing the measuring instrument to identify the results of the measurement of the time required for the sample liquid to reach a stable remission value and the stability of its remission value at the end of the measuring period as being consistent with either a control sample or a test sample.

40-47. (Cancelled)

48. (New) A method for automatically determining whether a sample liquid to be tested in an optical measuring instrument is a test sample or a control sample; comprising:

- (a) providing a photometer effective for measuring sample liquids for an analyte of interest, wherein each of said sample liquids may be a test sample or a control sample;
- (b) providing one or more control samples containing a known concentration of said analyte of interest, wherein each of said control samples has been provided with an IR dye that is not present in any of said test samples, wherein the IR dye does not have a substantial absorption in the wavelength range in which the measurement signal for the analyte of interest is detected;
- (c) using said photometer to measure one of said sample liquids for the analyte of interest, and additionally using said photometer to measure absorption or remission in the IR range; and
- (d) automatically determining whether the measured sample liquid is a control sample or a test sample by causing the photometer to identify the results of the measurement of absorption or remission in the IR range as being consistent with either a control sample or a test sample.